

1/30/20
WEISBERG LAW
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Attorney for Plaintiff

Filed and Attested by the
Schafkopf Law, LLC Office of Judicial Records
Gary Schafkopf, Attorney ID No. 83362 Date: 5/22/20 12:51 pm
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Attorney for Plaintiff



KAREEM RICE
4042 Powelton Ave., Apt. 3
Philadelphia, Pa 19104

Plaintiff,

v.

CITY OF PHILADELPHIA
d/b/a PHILADELPHIA POLICE
DEPARTMENT
1515 Arch St, 16th FL
Philadelphia, PA 19102

And

OFFICER MELISSA O'LEARY
Individually & in her official capacity as a
Police Officer for the
PHILADELPHIA POLICE DEPARTMENT:
1515 Arch St, 16th FL
Philadelphia, PA 19102

And

DETECTIVE SHARON MURPHY
Individually & in her official capacity as a
Detective for the
PHILADELPHIA POLICE DEPARTMENT:
1515 Arch St, 16th FL
Philadelphia, PA 19102

And

DETECTIVE JOHN FREI
Individually & in his official capacity as a

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

January Term, 2020

No. 200100101

Jury of Twelve (12) Jurors Demanded

Detective for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :

And :
:

DETECTIVE ROBERT KERWIN :
Individually & in his official capacity as a :
Detective for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :

And :
:

LIEUTENANT ANTHONY LASALLE, :
JR. :
Individually & in his official capacity as a :
Lieutenant for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :

And :
:

OFFICER ZACHARY RAYMOND :
Individually & in his official capacity as a :
Police Officer for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :

And :
:

SERGEANT ANGEL GONZALEZ :
Individually & in her official capacity as a :
Sergeant for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :

And :
:

SERGEANT GERALD GOLDEN :
Individually & in his official capacity as a :

Sergeant for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :
:

And :
:

OFFICER MICHAEL SOWELL :
Individually & in his official capacity as a :
Police Officer for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :
:

And :
:

OFFICER JONATHAN DEDOS :
Individually & in his official capacity as a :
Police Officer for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :
:

And :
:

SERGEANT STEVEN VANOR :
Individually & in his official capacity as a :
Sergeant for the :
PHILADELPHIA POLICE DEPARTMENT: :
1515 Arch St, 16th FL :
Philadelphia, PA 19102 :
:

And :
:

A.T. CHADWICK COMPANY, INC. :
100 Dunks Ferry Road :
Bensalem, PA 19020 :
:

And :
:

A.T. CHADWICK FAMILY LIMITED :
PARTNERSHIP :
100 Dunks Ferry Road :
Bensalem, PA 19020 :
:

And :
:

A.T. CHADWICK, LLC
100 Dunks Ferry Road
Bensalem, PA 19020

And

JIMMY KRATZ
100 Dunks Ferry Road
Bensalem, PA 19020

And

RICHARD LIPINKSI
100 Dunks Ferry Road
Bensalem, PA 19020

And

FRAN SPAUSE
100 Dunks Ferry Road
Bensalem, PA 19020

And

THOMAS WALLS
100 Dunks Ferry Road
Bensalem, PA 19020

And

VINCENT FITZGERALD
100 Dunks Ferry Road
Bensalem, PA 19020

Defendants.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un

by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Philadelphia Bar Association
One Reading Center
11th & Market Streets
Philadelphia, PA 19107
215-238-6333**

abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

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KAREEM RICE
 4042 Powelton Ave., Apt. 3
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Plaintiff,

CITY OF PHILADELPHIA
d/b/a PHILADELPHIA POLICE
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 1515 Arch St, 16th FL
 Philadelphia, PA 19102

And

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PHILADELPHIA COUNTY
 COURT OF COMMON PLEAS

January Term, 2020

No. 200100101

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And

A.T. CHADWICK COMPANY, INC.
100 Dunks Ferry Road
Bensalem, PA 19020

And

**A.T. CHADWICK FAMILY LIMITED
PARTNERSHIP**
100 Dunks Ferry Road
Bensalem, PA 19020

And

A.T. CHADWICK, LLC
100 Dunks Ferry Road
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JIMMY KRATZ
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FRAN SPAUSE
100 Dunks Ferry Road
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And

THOMAS WALLS
100 Dunks Ferry Road
Bensalem, PA 19020

And

VINCENT FITZGERALD
100 Dunks Ferry Road
Bensalem, PA 19020

Defendants.

CIVIL ACTION COMPLAINT

PARTIES AND VENUE

1. Plaintiff, Kareem Rice, is an adult individual residing at the above captioned address.

2. Defendant, the Philadelphia Police Department (“PPD”) is a government agency that conducts business in the Commonwealth of Pennsylvania and is headquartered at 1515 Arch St, 16th FL, PA 19102.
3. Defendant, Officer Melissa O’Leary (“O’Leary”), at all times material herein, acted individually, as well as in her official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
4. Defendant, Detective Sharon Murphy (“Murphy”), at all times material herein, acted individually, as well as in her official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
5. Defendant, Detective John Frei (“Frei”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
6. Defendant, Detective Robert Kerwin (“Kerwin”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
7. Defendant, Lieutenant Anthony LaSalle, Jr. (“LaSalle”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
8. Defendant, Officer Zachary Raymond (“Raymond”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.

9. Defendant, Sergeant Angel Gonzalez (“Gonzalez”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
10. Defendant, Sergeant Gerard Golden (“Golden”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
11. Defendant, Officer Michael Sowell (“Sowell”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
12. Defendant, Officer Jonathan Dedos (“Dedos”) all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
13. Defendant, Sergeant Steven Vanor (“Vanor”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
14. Defendant, A.T. Chadwick Company, Inc., also known as A.T. Chadwick LLC (“Chadwick”) is a mechanical contracting firm specializing in Heating, Air Conditioning and Plumbing Services. Chadwick’s areas of expertise include plumbing, heating, air-conditioning, refrigeration, process piping and field management. Chadwick is headquartered at 100 Dunksferry Road, Bensalem, PA 19020.
15. Defendant, A.T. Chadwick Family Limited Partnership (“Chadwick”) owns A.T. Chadwick Company, Inc. and is headquartered at 100 Dunksferry Road, Bensalem, PA 19020.

16. Defendant, Richard Lipinski (“Lipinski”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, Chadwick.
17. Defendant, Fran Spause (“Spause”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, Chadwick.
18. Defendant, Thomas Walls (“Walls”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, Chadwick.
19. Defendant, Vincent Fitzgerald (“Fitzgerald”), at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, Chadwick.
20. Venue is proper in this Honorable Court as the events giving rise to this action occurred in Philadelphia County.

OPERATIVE FACTS

21. Plaintiff, Kareem Rice, is a 57-year-old contractor who at all times material herein was working on a project for Chadwick around the location of 1050 Constitution Avenue, Philadelphia, Pa 19112 since on or around December 4, 2017.
22. Plaintiff is African American and Muslim.
23. Plaintiff was one of two African American employees working on this project.
24. Since the start of the project, Plaintiff’s Foreman, Jimmy Kratz, had given his employees permission to scrap metal that was not being used as it would otherwise be put in the trash.
25. Upon information and belief, there was no policy regarding employees scrapping metal at the project site.

26. Upon information and belief, Kratz, who is white disliked Plaintiff and had told other employees that he wanted to get rid of him.
27. On or around the week of February 12, 2018, Kratz made a phone call to Thomas Walls, Project Manager, and advised him that copper was missing from a storage area where copper piping was kept.
28. Upon information and belief, Kratz advised Walls that he would set up a camera in the storage room where the copper was kept.
29. On or about February 16, 2018, Kratz had cameras set up in the storage room.
30. On or about February 16, 2018, Kratz told Plaintiff and the only other black employee on the project that they could go into the storage area and take any scrap metal from there.
31. Plaintiff and the other employee were then caught on video taking metal from the storage room.
32. On or about Monday, February 19, 2018, upon coming into work Plaintiff was questioned by project foreman, Richard Lipinski and asked if he had taken copper piping. Plaintiff said that he did take scrap metal from the storage area because he had permission to do so from Kratz.
33. Plaintiff was then told his employment was terminated and he was led off of the property.
34. The other employee in the storage room with Plaintiff was also terminated.
35. The alleged theft of copper was reported to the Philadelphia Police Department.
36. In his investigative interview with the PPD, Lipinski advised Detective Sharon Murphy that Plaintiff had admitted to taking copper from the job site. Lipinski failed to inform Murphy that Plaintiff told him that he had permission to remove the copper.

37. According to the investigative interview, Murphy did not ask Lipinski if anyone had given Plaintiff had permission to remove the copper.
38. In or around the beginning of March 2018, Plaintiff was informed that there was a warrant out for his arrest relating to the alleged theft of copper from the project site.
39. Plaintiff turned himself in to police and was released on bail.
40. On or about January 23, 2019, Plaintiff was acquitted of all charges against him.
41. Upon information and belief, Plaintiff was set up by Kratz because of his race and/or his dislike for him.
42. Upon information and belief, alleged witnesses and/or employees, Lipinski, Kratz, Spause, Walls and Fitzgerald knew that Plaintiff did not commit any theft.
43. Upon information and belief, Officer O'Leary, Detective Murphy, Detective Frei, Detective Kerwin, Lieutenant LaSalle, Officer Raymond, Sergeant Gonzalez, Sergeant Golden, Officer Sowell, Officer Dedos, and Sergeant Vanor knew there was no probable cause to arrest Plaintiff.
44. Plaintiff was forced to pay for attorney fees and costs to defend his case.
45. Plaintiff's career and livelihood has been impacted.
46. Plaintiff suffered emotional distress and significant financial harm.
47. At no time was there any evidence (probable cause/reasonable suspicion) connecting Plaintiff to the alleged charges.

COUNT I
MALICIOUS PROSECUTION/ FALSE ARREST/ WRONGFUL IMPRISONMENT

48. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
49. At the time of Defendants' investigation, arrest, charges, and imprisonment, Plaintiff had

not committed any infraction to legally justify the incarceration and/or charges.

50. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiffs' clearly established and well-settled Constitutional and other legal rights.

51. Defendants caused Plaintiff to suffer a malicious prosecution by their wrongful conduct in subjecting Plaintiffs to false criminal charges, all in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

52. Defendants instituted criminal action against Plaintiffs by way of failing to properly investigate the conduct giving rise to their arrests.

53. Defendants did not have probable nor any cause to arrest, charge, and/or accuse Plaintiff of the criminal acts.

54. The criminal action terminated in Plaintiff's favor – Plaintiff's charges were either dismissed or found not guilty.

COUNT II
MONELL

55. The above paragraphs are hereby incorporated herein by reference.

56. At the time of Defendants' investigation, arrest, charges, imprisonment, and trial, Plaintiff had not committed any infraction to legally justify the incarceration and charges.

57. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly established and well-settled Constitutional and other legal rights.

58. Defendants instituted criminal action against Plaintiff.

59. Plaintiff was seized from the time he was arrested through the time he was imprisoned.

60. Defendants did not have probable nor any cause to arrest, charge, and/or accuse Plaintiff of the criminal acts.
61. The PPD's violations along with the violations of Officer O'Leary, Detective Murphy, Detective Frei, Detective Kerwin, Lieutenant LaSalle, Officer Raymond, Sergeant Gonzalez, Sergeant Golden, Officer Sowell, Officer Dedos, and Sergeant Vanor against Plaintiff were done in accord with the PPD's policies, customs, and procedures.
62. The constitutional violations committed against Plaintiff by Officer O'Leary, Detective Murphy, Detective Frei, Detective Kerwin, Lieutenant LaSalle, Officer Raymond, Sergeant Gonzalez, Sergeant Golden, Officer Sowell, Officer Dedos, and Sergeant Vanor, the result of the PPD's failure to adequately train and/or supervise them.
63. As a result of the PPD's policies, customs, procedures which allowed for the PPD's and Defendant Officers violations of Plaintiff's constitutional rights, the PPD is in violation of 42 U.S.C. §1983, by way of Monell v. Department of Social Services, 436 U.S. 658 (1978).
64. As a result of the PPD's failure to adequately train and/or supervise Officer O'Leary, Detective Murphy, Detective Frei, Detective Kerwin, Lieutenant LaSalle, Officer Raymond, Sergeant Gonzalez, Sergeant Golden, Officer Sowell, Officer Dedos, and Sergeant Vanor the PPD is in violation of 42 U.S.C. §1983, by way of Monell v. Department of Social Services, 436 U.S. 658 (1978).
65. Upon information and belief, former Philadelphia Police Commissioner Richard Ross was the decision maker regarding the aforesaid policies, practices, procedures and customs.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of seventy-five thousand dollars (\$75,000), plus such other and further relief as this Honorable Court deems necessary and just, and to Order the following relief:

- a. Statutory damages;
- b. Punitive damages;
- c. Compensatory damages, including;
 - i. Actual damages for financial and emotional injuries, including but not limited to wage loss and loss of earning capacity, and emotional distress; and,
- d. Attorney's fee, costs and equitable relief.

Respectfully submitted,

/s/ David A. Berlin

David A. Berlin, Esquire
PA Attorney ID. No. 314400
Matthew B. Weisberg, Esquire
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Morton, PA 19070
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/s/ Gary Schafkopf

Gary Schafkopf, Esquire
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Bala Cynwyd, PA 19044
(610) 664-5200 (ext. 104)
(888) 283-1334 – Fax

DATED: 4/20/20

VERIFICATION

I, David Berlin, Esquire, hereby verifies that I am counsel for plaintiff, **Kareem Rice**, and herein states that the statements in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I am making this verification on behalf of plaintiff, **Kareem Rice**. I acknowledge that the foregoing Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 4-20-20

/s/David Berlin
DAVID BERLIN,ESQUIRE

Schafkopf Law, LLC
 Gary Schafkopf, Attorney ID # 83382
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 Bala Cynwyd PA 19004
 610-664-5200 Ext 104
 Fax:: 888-283-1334
Attorney for Plaintiff

Jury of Twelve (12) Jurors Demanded

Case ID: 200100101

Verification

The facts contained in the foregoing Complaint are true based upon the signer's personal knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. The language of this pleading is that of counsel and not of signer. This verification is made subject to the penalties of 18 PA C.S.A. §4904 relating to unsworn falsification to authorities.

DATE

04/30/2020

KAREEM RICE

Kareem Rice